

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA ESTABLISHING A COMMUNITY DEVELOPMENT DISTRICT OVER THE REAL PROPERTY LEGALLY DESCRIBED ON EXHIBIT "A" TO THIS ORDINANCE COMPRISING APPROXIMATELY 75.28 ACRES: NAMING THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS OF THE DISTRICT; ESTABLISHING THE NAME OF THE DISTRICT AS WYNDAM PARK COMMUNITY DEVELOPMENT DISTRICT; DESIGNATING THE PURPOSE OF THE DISTRICT; DESIGNATING THE POWERS OF THE DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Florida Legislature created and amended Chapter 190, Florida Statutes to provide an alternative method to finance and manage basic services for community development; and

**WHEREAS**, Wyndam Park, Inc. a Florida Corporation ("Petitioner"), has petitioned Palm Beach County, Florida (the "County"), to grant the establishment of the Wyndam Park Community Development District (the "District"); and

**WHEREAS**, a public hearing has been conducted by the Board of County Commissioners of Palm Beach County, Florida (the "Board"), in accordance with the requirements and procedures of Section 190.005(1)(d), Florida Statutes; and

**WHEREAS**, all statements contained within the petition have been found to be true and correct; and

**WHEREAS**, the creation of the District is not inconsistent with any applicable element or portion of the effective Palm Beach County Comprehensive Land Use Plan, as amended; and

**WHEREAS**, the area of land within the District is of sufficient size, is sufficiently compact and is sufficiently contiguous to be developable as one functional interrelated community; and

**WHEREAS**, the creation of the District is the best alternative available for delivering the community development services and facilities to the area that will be served by the District; and

**WHEREAS**, the District will constitute a timely, efficient, effective, responsive and economic way to deliver community development services in the area; and

**WHEREAS**, the proposed services and facilities to be provided by the District will be compatible with the capacity and uses of existing local and regional community development services and facilities; and

**WHEREAS**, the area that will be served by the District is amenable to separate special district government; and

**WHEREAS**, the District desires to levy special assessments on purchasers of benefited land within the District to pay for infrastructure constructed and/or acquired by the District; and

1       **WHEREAS**, the District shall acquire or construct potable water and wastewater facilities  
2 in accordance with the County's Water Utilities Department's standards and procedures to  
3 enable the County to provide potable water and wastewater services to the District; and

4       **WHEREAS**, the District does not have any zoning or development permitting power and  
5 the establishment of the District is not a development order; and

6       **WHEREAS**, all applicable planning and permitting laws, rules, regulations and policies  
7 control the development of the land to be serviced by the District; and

8       **WHEREAS**, the Board has considered the record of the public hearing and has decided  
9 that the establishment of the District is the best alternative means to provide certain basic  
10 services to the community; and

11       **WHEREAS**, the Board finds that the District shall have the general powers described in  
12 Section 190.011, Florida Statutes

13       **WHEREAS**, the exercise by the District of any powers other than the powers set forth in  
14 Sections 190.011 and 190.012(1), Florida Statutes, shall require consent by the Board of  
15 County Commissioners of Palm Beach County by ordinance or resolution.

16       **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**  
17 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA:**

18       **Section 1. ESTABLISH A COMMUNITY DEVELOPMENT DISTRICT:**

19       The Petition to establish the Wyndam Park Community Development District over the  
20 real property described in Exhibit "A" attached hereto, which was filed by Wyndam Park, Inc. on  
21 August 19, 2002 and which Petition is on file at the Office of the County Administrator, is hereby  
22 granted.

23       **Section 2.** The external boundaries of the District shall be as depicted on the location  
24 map attached hereto and incorporated herein as Exhibit "B."

25       **Section 3. NAMING THE INITIAL MEMBERS:**

26       The initial members of the Board of Supervisors shall be as follows:

27                               Gary Dario  
28                               Jan A. Dario  
29                               Michael F. Aranda  
30                               Betty Sweet  
31                               Michael D. Aranda  
32

33       **Section 4. NAMING OF THE DISTRICT:**

34       The name of the District shall be "Wyndam Park Community Development District."

35       **Section 5. PURPOSE OF THE DISTRICT:**

36       The District is created for the purposes set forth in and prescribed in the petition.

37       **Section 6. POWERS OF THE DISTRICT:**



1           The Board hereby grants to the District all general powers authorized pursuant to  
2   Section 190.011, Florida Statutes, and hereby finds that it is in the public interest of citizens of  
3   the County to grant such general powers.

4           **Section 7.** Notwithstanding Section 6 as set forth hereinabove, Petitioner, as the  
5   contract purchaser or the District, shall enter into a Standard Potable Water and Wastewater  
6   Development Agreement with the County for the provision of water and wastewater facilities.  
7   Petitioner shall pay all fees and charges as set forth in said Agreement and shall abide by all  
8   terms and conditions therein including, but not limited to, constructing or acquiring the water and  
9   wastewater facilities in accordance with the Water Utilities Department's Uniform Policies and  
10   Procedures; providing the County with appropriate easements for said facilities; and providing  
11   the County with a deed to said water and wastewater facilities at no cost to County. Palm  
12   Beach County's Water Utilities Department shall operate and maintain said water and  
13   wastewater facilities and provide water and wastewater service upon receipt of all fees and  
14   charges, upon completion of construction and upon receipt of said deed.

15          **Section 8.** Pursuant to Section 190.004(4), Florida Statutes, the charter for the District  
16   shall be Sections 190.006 through 190.041, Florida Statutes, including the special powers  
17   provided by Section 190.012(1), Florida Statutes. The exercise by the District of powers set  
18   forth in Section 190.012(2) shall require consent by the Board of County Commissioners. Such  
19   consent shall only be provided by resolution or ordinance after specific petition to the Board.

20          **Section 9.** The District is solely responsible for the implementation of special  
21   assessments upon benefited property within the District's internal boundaries. The Petitioner, its  
22   successors and assigns and shall provide notice of said special assessments to all prospective  
23   purchasers of said property.

24          **Section 10.** The Petitioner, its successors and assigns shall provide full disclosure of  
25   the public financing and maintenance of improvements undertaken by the District. This  
26   disclosure shall include a statement in bold print that special assessments imposed by the  
27   District will appear in the tax bill. This disclosure shall meet the requirements of Section  
28   190.048, F.S., as amended from time to time, and shall be included in every contract for sale  
29   and in every recorded deed from the Petitioner. The District shall record a notice of  
30   assessments in the Public Records both before and after any Bond sale.

31          **Section 11.** The Petitioner, its successors and assigns shall disclose the fact that the  
32   development is located in a special taxing district and that a special assessment will be  
33   assessed on the tax roll against all property owners within the District. This information shall be  
34   in **BOLD** type in any sales brochures, in any sales information, on the front page of the

1 Declaration of Restrictive Covenants creating the Property Owner Association or Homeowner  
2 Association, and on a 24" by 36" sign which shall be posted at all times at the entrance to the  
3 sales office of the development providing the following disclosure:

4 "If you purchase a unit in this development you will be subject to additional costs. A  
5 special assessment and or taxes will be added to your tax bill. This non-advalorem tax  
6 assessment will be in addition to all other property taxes and assessments. This cost is  
7 estimated at \$ 60.00 per month or \$720.00 per year and will be levied to pay debt service on the  
8 bonds issued by the District."

9 **Section 12.** The Petitioner, its successors and assigns shall provide all the disclosure  
10 statements required in Sections 10 and 11 above in a separate page as part of the contract for  
11 purchase and sale of property within the District. The potential purchaser must sign this page.

12 **Section 13.** An affidavit of compliance shall be submitted annually to Palm Beach  
13 County Monitoring Section beginning on November 1, 2003 until all units have been sold,  
14 outlining the number of units sold, providing samples of the documents used in the closing  
15 process and certifying compliance with the disclosure requirements contained in this ordinance.  
16 The County shall have the right to audit the records of the Petitioner, its successors and assigns  
17 upon 10 days written notice to verify the compliance with the disclosure requirements of this  
18 ordinance. Failure to comply with the disclosure requirements in this ordinance shall be a  
19 violation of a county ordinance and shall be punishable as provided by law, including but not  
20 limited to enforcement procedures established in Article 14 of the Unified Land Development  
21 Code.

22 **Section 14. SEVERABILITY:**

23 If any section, paragraph, sentence, clause, phrase or word of this Ordinance is for any  
24 reason held by any court of competent jurisdiction to be unconstitutional, inoperative or void,  
25 such holding shall not affect the remainder of this Ordinance.

26 **Section 15. REPEAL OF LAWS IN CONFLICT:**

27 All local laws and ordinances applying to Palm Beach County in conflict with any  
28 provision of this Ordinance are hereby repealed to the extent of the conflict.  
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30  
31  
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1           **Section 16.   EFFECTIVE DATE:**

2           This ordinance shall take effect upon filing with the Department of State.

3           APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach

4 County, Florida, on this 15 day of April, 2003.

5   ATTEST:   **DOROTHY H. WILKEN, CLERK**  
6               Board of County Commissioners

PALM BEACH COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS

7               By *Linda C. Harkness*  
8               DEPUTY CLERK

9   By: \_\_\_\_\_  
10       Deputy Clerk

*Karen T. Marcus*  
Karen T. Marcus, Chair

11  
12   APPROVED AS TO FORM AND  
13   LEGAL SUFFICIENCY

14               By: *[Signature]*  
15               County Attorney

16  
17  
18  
19  
20  
21   EFFECTIVE DATE: Filed with the Department of State, State of Florida, on the 18 day of

22   April, 2003 at \_\_\_\_\_ m.

23   T:\Planning\Comprehensive\UTILITY\CDDs\WPark CDD 2003 Ordinance.doc April 3, 2003



## EXHIBIT A

### LEGAL DESCRIPTION

#### WYNDAM PARK COMMUNITY DEVELOPMENT DISTRICT

Lots 1 through 38, inclusive, Block 35 (all of Block 35); Lots 2 through 63, inclusive, Block 36; and Lots 1 through 12, inclusive, Block 37 (all of Block 37), of PLAT FOUR OF VICTORIA WOODS P.U.D., according to the Plat thereof, recorded September 14, 1989 in Plat Book 63, Page 169 through 171, of the Public Records of Palm Beach County, Florida.

Together with unplatted lands, more particularly described as follows:

A parcel of land lying in the Northwest quarter (NW  $\frac{1}{4}$ ) of Section 11, Township 44 South, Range 42 East, Palm Beach County, Florida, being a portion of Tracts 1, 3, 4, 5, 23 and 24; all of Tract 2; **together with** that portion of that certain abandoned right-of-way lying between Tracts 21-24 and Tract 1-8 of the Plat of MODEL LAND CO. SUBDIVISION of the West half (W  $\frac{1}{2}$ ) of Section 11, Township 44 South, Range 42 East, according to the Plat thereof, as recorded in Plat Book 5, Page 76, of the Public Records of Palm Beach County, Florida; also **together with** Lots 1-15 as shown on the Plat of VICTORIA WOODS PLAT III-A, as recorded October 21, 1997 in Plat Book 81, Pages 47 and 48, of the Public Records of Palm Beach County, Florida, being more particularly described as follows:

Commence at the Northwest (NW) corner of the Northwest quarter (NW  $\frac{1}{4}$ ) of said Section 11, thence South 88°39'17" East, along the North line of said Section 11, a distance of 1109.33 feet to the Northeast (NE) corner of PLAT ONE OF VICTORIA WOODS, as recorded May 9, 1985 in Plat Book 51, Pages 32 and 33 of the Public Records of Palm Beach County, Florida; thence South 01° 20'43" West, along the East line of said PLAT ONE OF VICTORIA WOODS, a distance of 70 feet to the Point of Intersection of said East line and the South line of the 70 foot easement of the Lake Worth Drainage District (L.W.D.D.) as recorded in Official Records Book 7144, Page 1505, being the Point of Beginning.

Thence South 88°39'17" East, departing said East line, along the South line of said 70 foot easement, a distance of 1533.55 feet to the Point of Intersection of said South line and the West line of the 40 foot easement of the L.W.D.D. as recorded in Deed Book 118, Page 518; thence South 01°30'09" West, departing said South line, along the West line of said 40 foot easement, a distance of 1591.42 feet to the Point of Intersection of said West line and the North line of PLAT FOUR OF VICTORIA WOODS as recorded September 14, 1989 in Plat Book 63, Pages 169-171, of the Public Records of Palm Beach County, Florida; thence North 88°29'41" West, departing said West line, along the North line of said PLAT FOUR OF VICTORIA WOODS, a distance of 293.97 feet; the following ten (10) courses along the West, North, and East line of PLAT TWO OF VICTORIA WOODS, as recorded May 15, 1986 in Plat Book 53, Pages 83-85 of the

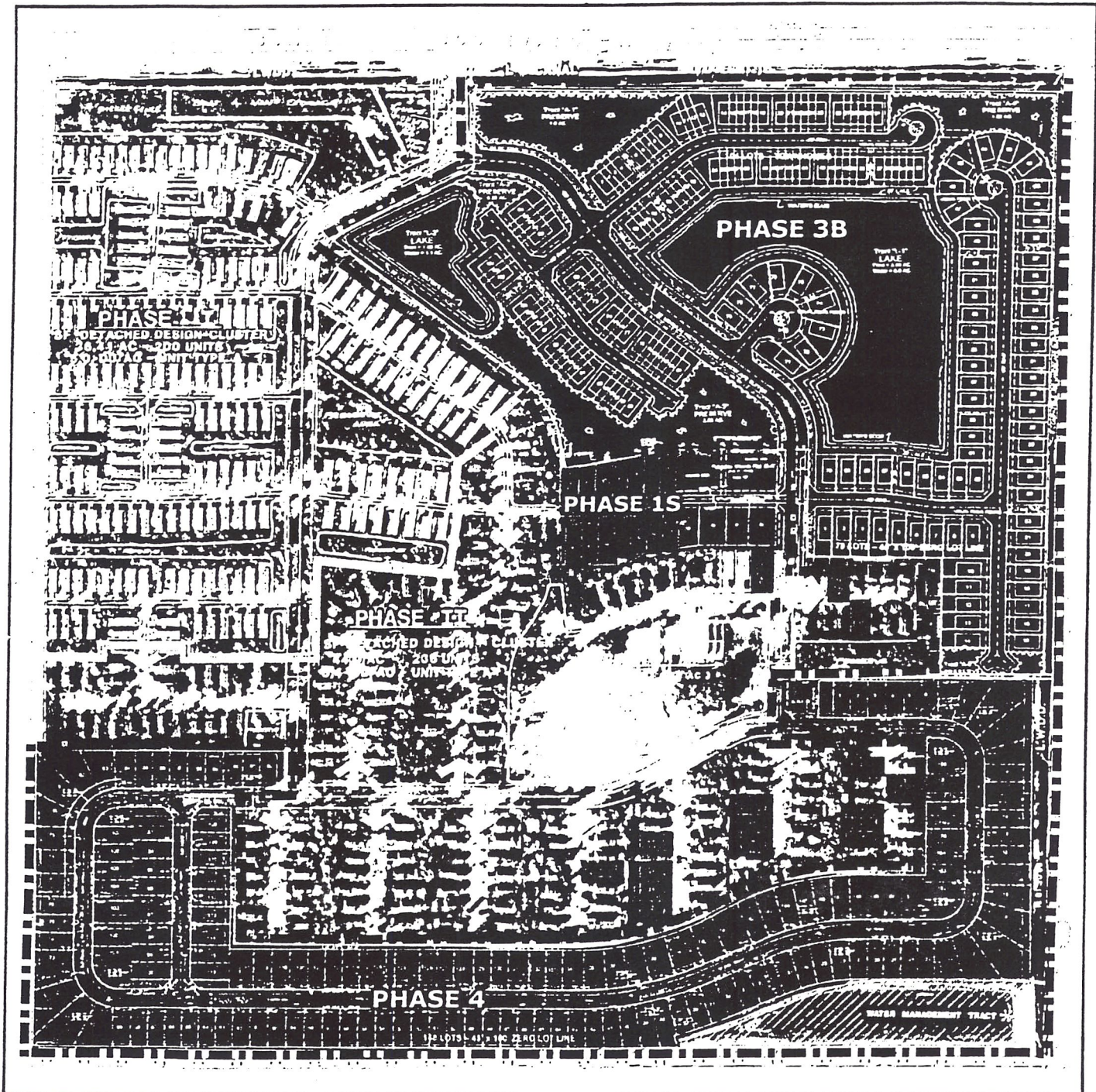
Public Records of Palm Beach County, Florida; thence North 01°33'09" East, a distance of 335.29 feet; thence North 88°26'51" West, a distance of 355 feet; thence North 01°33'09" East, a distance of 10 feet; thence North 88°26'51" West, a distance of 420 feet; thence South 59°26'51" West, a distance of 58.76 feet; thence North 88°26'51" West, a distance of 157 feet; thence North of 01°33'09" East, a distance of 140 feet; thence North 88°26'51" West, a distance of 12 feet; thence North 01°33'09" East, a distance of 135 feet to the Point of Curvature; thence Northwesterly on a curve concave to the Southwest, having a radius of 286 feet, through a central angle of 54°12'28" and an arc distance of 270.58 feet to the Point of Tangency; the following four (4) courses along the northeasterly line of said PLAT ONE OF VICTORIA WOODS; thence North 52°39'17" West, on a radial line, a distance of 603.50 feet to a point on a curve; thence Northeasterly, on curve concave to the Southeast, having a radius of 150 feet, through a central angle of 28°00'00" and an arc distance of 73.30 feet to the Point of Tangency; thence North 65°20'44" East, a distance of 341.51 feet; thence North 01°20'43" East, a distance of 214.44 feet to the Point of Beginning.



EXHIBIT B

MAP OF DISTRICT

WYNDAM PARK COMMUNITY DEVELOPMENT DISTRICT



☐ PHASES I - II (Existing)

☐ PHASE 4 (Proposed)

☐ PHASE 3B (Proposed)

☒ PHASE 1S (Proposed)

--- DISTRICT BOUNDARY

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Ordinance - Exhibit B

STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, DOROTHY H. WILKEN, ex-officio Clerk of the  
Board of County Commissioners certify this to be a  
true and correct copy of the original filed in my office  
on April 15, 2003  
DATED at West Palm Beach, FL on 5/23/03  
DOROTHY H. WILKEN, Clerk  
By: Wanda Brown D.C.